

**OFF-ROAD VEHICLE TRAILS ADVISORY BOARD
MINUTES
January 8, 2003
Holiday Inn West, Lansing, Michigan**

Board Members Present:

Mike Burlingham, Chairman, Cycle Conservation Club of Michigan (CCC)
Richard Rondeau, Michigan All-Terrain Vehicle Association (MATVA), Dearborn
Sheriff Nelson Jerry Cannon, Kalkaska County
Donald Craig, MMDA

Members Absent:

Keith Martell, Natural Resources Conservation Service

Department of Natural Resources Staff Present:

Steve Kubisiak, ORV Program Manager, Forest, Mineral and Fire Management Division (FMFM), Lansing
Jim Radabaugh, Acting State Trails Coordinator, FMFM, Lansing
Wayne Wheeler, FMFM, Newberry
Pete Lundborg, Parks and Recreation Bureau (PRB), Silver Lake State Park, Mears
Tom Laird, Law Enforcement Division, Lansing
Walt Mikula, Law Enforcement Division, Roscommon

USDA Forest Service Staff Present:

Russ Bacon, Baldwin Ranger Station, Baldwin

Public Present:

Bill Chapin, CCC, Rives Junction
Greg Yager, CCC, Lansing
Tom Gallagher, Michigan Recreation Vehicle Riders Association (MRVRA), St Helen
Paul Mulder, Great Lakes Four Wheel Drive Association (GL4WDA), Harrison
Hal Folk, CCC
James Hunt, Lansing Motorcycle Club, Lansing
Virginia Hunt, Lansing Motorcycle Club, Lansing
Mike Maurer, Lansing Motorcycle Club, Williamston
Hal Fricke
Linda Josephson, GL4WDA
Roy Josephson, GL4WDA
Mark Larencen, MATVA, Lansing
Pat Kinne, GL4WDA, Midland
Jeff VanCamp, MATVA
David Lewis, Southern Michigan Rock Crawlers
Aaron L. Young, GL4WD
Steve Kitchen, GL4WD
Jodi Moore, GL4WDA, Mt. Morris
Eric Gardner, GL4WDA, Grand Blanc
Rick Roseberry, GL4WD
Josh Shuck, GL4WD
Heather Wright, GL4WD
Howard Myerson, Grand Rapids Press
Tom Marentette, Bent Wheels Conservation Competition Club
Karl Tebeau, Bent Wheels Conservation Competition Club

Ryan Reynolds, GL4WDA, Davison
James J. Mazzolla, GL4WDA, Dryden
Mike Fox, FFOM
Russell Cameron, MATVA

Chairman Burlingham called the meeting of the Off-Road Vehicle (ORV) Advisory Board to order at 6:42p.m. on Wednesday, January 8 2003.

I. MINUTES

Mr. Rondeau noted the name of his organization should read Michigan All-Terrain Vehicle Association (MATVA).

Motion by Mr. Rondeau and second by Mr. Craig to accept the minutes of the November 6, 2002, meeting, as corrected.

Mr. Burlingham congratulated Mr. Craig on his 50th Wedding anniversary. **Mr. Craig** thanked Mr. Burlingham.

Motion for adoption unanimously carried.

II. PUBLIC APPEARANCE

Mr. Bulingham called on Mr. Paul Mulder to stand up and explain his T-shirt.

Mr. Mulder, stated that after the last meeting he wanted everyone to know that full-size vehicles are also ORVs. He feels that the DNR does not recognized full size vehicles as ORVs. He asked everyone from the GL4WDA to stand-up and be recognized. **Mr. Burlingham** thanked them for coming to the meeting and added that as an owner of multiple full size ORVs he appreciates their comments and thanked them for coming to the meeting to express their views.

Mr. Mulder inquired on status of the grant recommendations presented to the board at the last meeting. **Mr. Burlingham** referenced an email they received from Mr. Kubisiak providing the additional information requested by the board. **Mr. Kubisiak** explained that he followed-up with the sponsors and provided the board with the additional information they requested. He added that the staff recommendations, as presented at the November meeting, have been forwarded to the Resource Deputy for final approval. **Mr. Burlingham** provided Mr. Mulder with a copy Mr. Kubisiak's email correspondence and said that if he had any questions he could ask them later in the meeting. **Mr. Burlingham** thanked Mr. Mulder.

III. OLD BUSINESS

- A. **ORV Legislation Update** – **Mr. Kubisiak** reported the DNR will be meeting with Governor Granholm's staff to discuss the proposed ORV legislation. He said the DNR wanted to wait to move forward until they had an opportunity to coordinate this effort with the new administration. He added that once this occurs the DNR

will advise the ORV board. **Mr. Burlingham** thanked Mr. Kubisiak and added that this may be an opportunity to address other areas of legislative concern.

- B. **Liability Insurance Update** -- **Mr. Kubisiak** reported staff plans to meet with the DNR's Legal Services Coordinator in January to discuss insurance requirements and sponsor concerns. **Mr. Mazzolla**, GL4WDA, asked Mr. Kubisiak if the DNR is aware of the number of ORV grant sponsors that will be faced with difficulty obtaining insurance next year. He also asked what the DNR plans to do about it. **Mr. Kubisiak** said he was unaware of the specific problem he is referring to and that all of the current grant sponsor's have insurance. **Mr. Mazzolla** stated his insurance company will not renew their policy and they will be faced with finding a new company. He feels that no companies will insure them and that other clubs will have the same problem. **Mr. Kubisiak** asked Mr. Mazzolla to provide him with a copy of the letter from their insurance company documenting that they will not renew their policy. He added this will be helpful in meetings with the Legal Services Coordinator.
- C. **ORV Board Appointment Update** -- **Mr. Kubisiak** reported that staff recommendations have been provided to Mindy Koch and that she plans to advance the recommendations to the Directors office later in January.
- D. **Pre-printed ORV License Update** -- **Mr. Kubisiak** reported that the DNR will be switching over to exclusive use of pre-printed ORV license decals in 2003. He explained that this a result of changing the hardware used by point of sale (POS) Hunting and Fishing License agents. He said that DNR will also continue to distribute pre-printed ORV license decals to ORV dealerships in 2003. He added that the DNR is still very interested in developing a contract with an outside distributor and will be working over the course of next year to refine contract and audit controls for implementation in 2004. Discussion ensued. **Mr. Burlingham** thanked Mr. Kubisiak.

IV. NEW BUSINESS

- A. **Intersection Signs** -- **Mr. Burlingham** provided a history of the ORV grants program and explained how the trail maintenance program operates. He described how the trail signing requirements were developed and why intersection signs were included in the specifications. He summarized the results of a lawsuit that his organization was involved in concerning an accident that occurred on the trail system. He said the court found his organization negligent even though there was written direction from the DNR instructing his organization to place an intersection sign at a specific location. He said that through out the course of the case it was found that the current ORV trail signing standards were inconsistent with the Manual on Uniform Traffic Control Devices on which it is based. **Mr. Burlingham** expressed concern with the number of intersection signs that have been placed on the ORV trail system over the years and the liability exposure that this may have on all grant sponsors. He said that a plan of action needs to be developed to address this issue. Discussion ensued.

Mr. Radabaugh stated that he met with Mr. Kubisiak and Mr. Chapin to discuss this issue and the DNR recognizes that some action needs to be taken. He said that several questions need to be addressed. The first relates to the appropriate use of signage in the motorized trail programs. He said that DNR will obtain a

copy of the case findings to assist with this evaluation. The second issue relates to liability. He said the DNR intends to address this issue with the Attorney Generals Office.

Mr. Burlingham said that based on his discussion with Ms. Koch there were three things that should be pursued. They are: 1) review the current contract and specifications to see if there are ways to mitigate grant sponsor liability exposure 2) review the current sign situation to see if immediate changes are needed including development of sign plans that would remove discretion currently required of the grant sponsors and 3) look at potential legislative remedies that would reduce the liability exposure of grant sponsor volunteers when they are doing work on state lands. He noted federal law that protects volunteers that conduct work on federal land. Discussion ensued.

Lieutenant Mikula inquired on the status of the yellow backers used in the AuSable Pilot Project. He feels it is a successful trail signing program and that it should be used statewide. **Mr. Kubisiak** said that travel management signs will be reviewed as part of the overall evaluation of the signing program and that consensus among all DNR divisions must be reached before moving forward. Discussion ensued.

V. INFORMATION

A. Staff Reports –

Wayne Wheeler reported that of the 23 trails located in the Upper Peninsula all but one is in good condition based on established evaluation criteria. He noted that the Norway trail is temporally closed but that significant improvements were made this year and the trail is expected to be re-opened next year. He highlighted several restoration projects. He reported that 11 trailheads have been completed to date with another one scheduled to be built on Drummond Island next year. He described the dust control projects on several of the ORV routes and reported on the trail mapping project. Discussion ensued. **Mr. Burlingham** thanked Mr. Wheeler.

Lieutenant Mikula distributed several handouts summarizing ORV law enforcement statistics (attached). He highlighted statistics for district 7 from 1998 to 2002 identifying the number of hours worked, number of apprehensions, and citations per man-hour worked. He described the special enforcement initiative and summarized a survey relating to youth contacts made during the 2002 riding season. He noted that 89% of the youth contacted did not attend safety training and added that the DNR continues to have concerns with the safety training program. Discussion ensued. **Lieutenant Mikula** highlighted statewide statistics relating to the total number of hours worked, citations per man-hour, total apprehensions, the number of minors contacted and the number of minors contacted without safety certificates. He referenced the federal audit and noted that Conservation Officers worked a total of 3,310 unfunded hours equating to \$102,617.00 in fiscal year 2002. Discussion ensued. **Mr. Burlingham** thanked Lieutenant Mikula.

Russ Bacon, USDA Forest Service reported they are continuing their ongoing assessment of the Holton-Horseshoe motorcycle trail and added they will soon

be advertising a job opening for a trail technician. He encouraged interested persons contact him. **Mr. Burlingham** thanked Mr. Bacon.

Pete Lundborg, PRB reported that they had a record year at Silver Lake State Park and that he is getting ready for next year.

VI. PUBLIC APPEARANCE

Mr. Tom Gallagher, MRVRA announced that his organization completed trail brushing on several segments of the new ORV connector trails in Roscommon County. He said he has a good working relationship with the County and that he was able to use prison inmate crews to help out on the trail work. He added that there was over ten people involved and feels this is an example of what can be done when everyone works together. **Mr. Burlingham** thanked Mr. Gallagher.

Mr. Paul Mulder, GL4WDA, expressed concern with the grant process, and the signing program as it relates to the use of intersection signs and sign reflectivity. He referenced the sign study and a letter from Mr. Jack Hoving expressing concern with the DNRs sign program. He also feels training is very important for those that perform signing under the grant programs.

Mr. Jeff VanCamp, MATVA, feels that the DNR should consider a permanent license plate for ORVs. He believes this would be beneficial for law enforcement purposes and could be updated annually with a sticker much like an automobile license plate.

VII. NEXT MEETING

The next meeting will be held on Wednesday March 12, 2003, at the Holiday Inn Lansing West, Lansing Michigan.

VIII. ADJOURNMENT

Meeting adjourned at 9:10 p.m.

FY 2002 ORV – ENFORCEMENT STATISTICS

DISTRICT 7 – ROSCOMMON

COUNTIES: Clare, Gladwin, Ogemaw, Iosco, Alcona, Oscoda, Roscommon, Crawford

Citations/Arrests by Year

	FY 2002	FY 2001	FY 2000	FY 1999	FY 1998
Hours Worked	3,339	2,940	2,659	3,622	
Apprehension	1,403	1,522	1,274	1,812	1,918
Citation per Man-hours Worked	0.420	0.5177	0.4791	0.5003	

**SPECIAL LAW ENFORCEMENT INITIATIVE
ASSIGNED PATROLS – May 1st through September 30th, 2002**

	FY 2002	FY 2001	FY 2000	FY 1999
Contacts	2,280	2,065	1,781	1,821
Apprehensions	925	738	616	794
Minors Contacted	318			
Minors With-out Safety Training	278	87%		

**FY 2002 ORV – STATEWIDE
ALL DISTRICTS REPORTED APPREHENSIONS**

	FY 2002	
Regular Hours Expended	17,683	
Overtime Hours	3,071	
Total Hours	20,754	
Citations per Man Hours Worked	0.1679	
Apprehensions	3,486	
Minor Contacted	722	
Minors With-out Safety Training	644	89%

SPECIAL NOTE: Unfunded Hours Worked by Conservation Officers
3,310 hours. or \$102,617.

SURVEY – SAFETY TRAINING

Youths Contacted by Conservation Officers Memorial Day thru September 2002

<u>Law Enforcement Dist</u>	<u># Youths</u>	<u>With</u>	<u>Without</u>
Crystal Fall	79	5	74
Newberry	12	0	12
Gaylord	123	4	119
Cadillac	80	9	71
Roscommon	318	40	278
Bay City	37	14	23
Grand Rapids	54	6	48
Plainwell	9	0	9
Detroit	10	0	10
	722	78	644

Note: 89% did not attend Safety Training.